

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

PAUL MICHAEL GOMEZ,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00571-JPH-MJD
)	
US MARSHAL SERVICE, et al.)	
)	
Defendants.)	

Order Directing Filing of a Complaint

Paul Gomez, an inmate at the Federal Correctional Institution in Terre Haute, Indiana, has filed a motion for emergency injunction and temporary restraining order. That filing resulted in the opening of this lawsuit. But there is one and only one means to commence a civil action in federal court. That means is through the filing of a complaint. Fed. R. Civ. P. 3; *In re Allied Signal Corp.*, 915 F.2d 190, 192 (6th Cir. 1990) ("an action is commenced with the filing of a complaint rather than a motion"); 1 James Wm. Moore et al., *MOORE'S FEDERAL PRACTICE* § 3.02[1] (3d ed.2000) ("an action is not commenced by . . . filing a motion with the court . . ."). This motion does not constitute a complaint.

If Mr. Gomez wishes to initiate a lawsuit in this Court, he should submit a complaint. The complaint must identify each of the defendants in the caption. Fed. R. Civ. P. 10(a). In addition, a complaint shall: (a) contain "a short and plain statement of the claim . . ." which "give[s] the defendant[s] fair notice of what the . . . claim is and the grounds upon which it rests" *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); (b) identify what legal injury Mr. Gomez claims to have suffered and who is responsible for those injuries; and (c) state a request for relief.


If Mr. Gomez files a complaint, he must either pay the \$400.00 filing fee for this action or demonstrate that he lacks the financial ability to do so by filing a motion for leave to proceed without the prepayment of the filing fee (*in forma pauperis*). If Mr. Gomez seeks leave to proceed without prepaying the filing fee, his request must be accompanied by a copy of the transactions associated with his institution trust account for the 6-month period preceding the filing of this action on October 26, 2020.

The **clerk shall include** a complaint form and a form motion to proceed *in forma pauperis* with Mr. Gomez's copy of this Order.

Mr. Gomez shall have **through November 30, 2020**, to comply with the directions in this Order. If he fails to do so, this action will be subject to dismissal.

SO ORDERED.

Date: 10/30/2020


James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

PAUL MICHAEL GOMEZ
06609-380
TERRE HAUTE - USP
TERRE HAUTE U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 33
TERRE HAUTE, IN 47808